

Investigations Unit Making Progress

Illegal Commercial Activities Now Under Close Scrutiny

Story and Photo by Craig Bihrlé

In January 2006, a federal court judge approved a plea agreement that established, by a significant margin, the largest ever fine for wildlife crimes in North Dakota. Given the tools for strengthening wildlife law enforcement provided by the state's legislature in 2003, it's a record that might not last all that long.

The likelihood of even larger wildlife poaching cases exists not because they occur at a high rate, but because enforcement officers now have better laws and more resources to build solid cases against large organizations that purposely engage in illegal operations that threaten North Dakota's wildlife. Previously, North Dakota officers had little time or money to pursue wildlife crimes beyond what their day-to-day patrols turned up. "You wouldn't have made the totality of the case," says Bruce Burkett, the North Dakota Game and Fish Department's commercial investigations and undercover supervisor. "You'd get one act."

As an example, Burkett referenced a waterfowl case that involved several nonresident hunters who were apprehended with more than a hundred ducks over the possession limit. Without the extra manpower the legislature provided, the case might have wound up as one hunter cited for taking too many ducks.

As it turned out, Department game wardens were able to conduct video surveillance of a motel for several days and that eventually led to state and federal charges and thousands of dollars of fines and long-term loss of hunting privileges for hunters and guides from South Carolina, Arkansas, Louisiana, Pennsylvania and Texas.

Landmark Legislation

Prior to 2003, almost anyone who wanted to become a hunting or fishing guide in North Dakota could pay a \$100 fee and get a license. House Bill 1050, passed overwhelmingly a little more than three years ago, created a varied fee schedule for guides and outfitters and established a number of new requirements, including:

- Must be 18 years of age.
- Certified in cardiopulmonary resuscitation.
- Certified in standard first aid or equivalent.
- Have legally hunted for parts of three years in a manner directly contributing to the individual's experience and competency as a guide.
- Pass a background check for criminal and game and fish violations.
- Pass a written examination, demonstrating the applicant is proficient in the applicable state and federal laws of hunting wild game.
- Employed by or contracted with a licensed hunting outfitter.

The standard set out in HB1050 was a culmination of two years of study by an interim legislative committee, and the North Dakota Guides and Outfitters Association worked hard with this committee and were great assets in the bill's development, Burkett said.

Hunting outfitters must have been a licensed guide for at least two years, provide proof of liability insurance, and provide a list of lands on which the services will be performed.

In addition to this specific legislation to reform the guiding and outfitting industry in North Dakota, the legislature also approved within the Game and Fish Department budget a position for an additional game warden who would direct most of his time to working with commercial operations and investigating illegal activity.



New laws without a new person, or vice versa, would not have been nearly as effective, but the two together have yielded measurable results. The last two legislatures have done "a great job in giving us these tools in our tool kit," Burkett said.

The focus is not just on guides and outfitters, Burkett says, but also on any other situation where exchange of money is involved in the legal or illegal pursuit of public wildlife. "When money becomes involved, ethics sometimes get compromised," Burkett said. "Our job is to chase the money and the ethics and make sure that money doesn't cloud those ethics."

The entire Game and Fish Department warden staff is involved with commercial investigations, but prior to the last couple of years the amount of time any one district warden could spend away from his or her regular duties while investigating commercially related cases was limited. That is still generally the case, but having a full-time investigator provides the opportunity to build cases that otherwise might not have been possible.



Evidence and equipment seized as part of an investigation of illegal commercial activity related to wildlife in North Dakota.

While guiding and outfitting is the largest commercial industry related to public wildlife in North Dakota, there is also trade in antlers and other animal parts – most of which is illegal because buying or selling meat or other animals parts from legally taken game and fish is illegal.

Within the guiding and outfitting trade, Burkett said, waterfowl, pheasants and deer are the three major pursuits. The number of people trying to make money guiding waterfowl and pheasant hunters is slowly declining, Burkett added, while growth is occurring in operations catering to nonresident bowhunters. Overall, Burkett is seeing a slight decrease in the total number of licensed outfitters, and a slight increase in the number of outfitting services operated by nonresidents.

The Game and Fish Department is not the only agency involved in monitoring commercial activity in North Dakota. The U.S. Fish and Wildlife Service also has an enforcement presence in the state, and the two agencies work in concert on many cases. “Many of these projects we could not have done

without the partnership of the Fish and Wildlife Service,” Burkett acknowledged.

Rich Grosz is the Fish and Wildlife Service special agent in North Dakota. He says he sought an assignment in North Dakota because of its reputation as a great place to raise a family and because “the resource here is still in abundance and still worth protecting.”

Grosz moved to North Dakota in 1998 and quickly discovered the state had little in the way of laws pertaining to guides and outfitters. What laws that did exist had loopholes that made them mostly ineffective.

Since then, law enforcement, Game and Fish administrators and legislators have all worked together to tighten up the laws and close the loopholes. “They value their resources and they don’t want them taken advantage of,” Grosz says. “North Dakota now has a pretty good body of laws regulating guides and outfitters.”

The Fish and Wildlife Service, Grosz emphasized, is not opposed to activities that are legal and might be considered as commercial. Neither is the Game and Fish Department. It’s the illegal activities sometimes generated by commercialization that attracts attention, like outfitters breaking laws to please clients, or guides allowing clients to break laws.

Both Burkett and Grosz say it’s only a few hunting-related businesses that chronically disregard the law, and those are the ones that can do the most damage to the state’s resources. Having good laws and even just a little extra manpower, Grosz stated, “allows us to go into these commercial entities to a deeper level ... it’s not just a snapshot in time.”

Game wardens detect many law violations by individuals while on routine patrol, checking and observing hunters. Information on illegal activities within commercial operations often comes from former clients or concerned citizens. Everyone – state and federal officers, hunters, citizens, and the outfitting industry – working together, Burkett says, can make a difference when it comes to illegal activity related to commercialization of wildlife resources.

“The illegal operations become more vulnerable to detection,” Burkett added, “... because we’re watching them.”

CRAIG BIHRLE is the Game and Fish Department’s communications supervisor.

Land for Guiding

The overhaul of state rules governing North Dakota’s guiding and outfitting industry required outfitters to provide the number of private land acres leased as part of their operation. In 2005, the counties with the most acres leased by outfitters included:

County	Acres
Hettinger	43,018
McKenzie	33,600
Sheridan	31,000
Dickey	28,580
Slope	25,830
Golden Valley	24,500
McLean	23,085
Bowman	21,450
Total acres/all counties	515,000

North Dakota Licensed Guides/Outfitters in 2005

Type	Resident	Nonresident	Total
Combination hunting/fishing	15	2	17
Hunting outfitter	106	4	110
Hunting guide	89	16	105
Fishing outfitter	43	1	44
Hunting guide/fishing outfitter	7	1	8
TOTAL:			284

*Note: Total number of licensed hunting guides in 1997 was 122.
The number in 1987 was less than 80.*